



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) Nos.11928 and 11929 of 2017

PAULRAJ

... PETITIONER/ACCUSED No.2
IN CRL OP(MD) No.11928/2017

MARY EZHILARASI

... PETITIONER/ACCUSED No.1
IN CRL OP(MD) No.11929/2017

Vs

STATE REP.BY,
THE SUB-INSPECTOR OF POLICE,
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.
IN CR.NO.113 OF 2017.

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.S.BALAMURUGAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor.

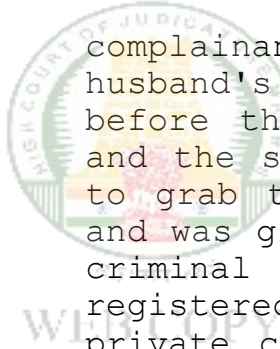
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 342, 324, 506(ii) of IPC in Crime No. 113 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the petitioners/accused and the defacto complainant in this case. The accused No.1 is said to have attacked with knife on the left hand of the defacto complainant and caused injury. Accused No.2 is said to have abused filthy language and also caused injury on the shoulder of the defacto complainant and investigation is till pending. He further submitted that injured was discharged from the hospital.

3.The learned counsel for the petitioners submitted that Accused No.1 is working as a teacher in Government High School at Services court road in hcse office/ defacto complainant is none other than own brother of A1/petitioner's husband. Petitioner/A1's husband passed away nine years back and A1 is living with her children. The defacto



complainant misbehaved with petitioner/A1 and tried to grab her husband's property. Hence, the petitioner/A1 filed a civil suit before the District Munsif, Padmanabhapuram in O.S.No.387 of 2009 and the same is pending. The defacto complainant with an intention to grab the properties of petitioner's husband, picked up quarrel and was giving troubles in one way or other. Therefore, A1 lodged a criminal complaint against the defacto complainant and it was registered by the respondent police in Crime No.231 of 2016 and private complaint is also filed against him in C.C.No.201 of 2010 and the same is pending before the Judicial Magistrate, Padmanabhapuram. He further submitted that on account of the criminal case, the defacto complainant was arrested and remanded to judicial custody. He further submitted that no occurrence as alleged by the defacto complainant took place and defacto complainant himself inflicted injury. The petitioners are innocent and they are falsely implicated in this case and the injured was discharged from the hospital.

4.The learned Additional Public Prosecutor appearing for the respondent Police ,on instruction, would submit that the petitioner in CrI.OP(MD).No.11929 of 2017 is arrayed as A1 and petitioner in CrI.OP(MD).No.11928 of 2017 is arrayed as A2 in this case. There are totally two accused in this case and they are named accused in the F.I.R itself and investigation is still pending. The accused No.1 is said to have attacked with knife on the left hand of the defacto complainant and caused injury. Accused No.2 is said to have abused filthy language and also caused injury on the shoulder of the defacto complainant and investigation is till pending. He further submitted that injured was discharged from the hospital.

6.Considering the facts and circumstances of the case and considering the fact that, injured was discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner/A1 shall report before the respondent Police on every Sunday at 10.30 a.m for a period of four weeks and thereafter as and when required and petitioner/Accused No.2 shall report before the respondent Police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.



[c]the petitioners shall not abscond either during investigation or trial.

[d]on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)**.

sd/-
19/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM, KANYAKUMARI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE SUB-INSPECTOR OF POLICE,
KOTTICODE POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.30990

ORDER
IN
CRL OP(MD) Nos.11928 and 11929 of 2017
Date :19/09/2017

PK/CM-MSA/SAR-1/21.09.2017: 3P/6C